

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc. No.79435-M of 2006

Date of Decision:- 18.1.2007

Resham Singh

....Petitioner(s)

through
Mr.L.S.Sidhu, Advocate

vs.

State of Haryana & ors.

....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

SURYA KANT, J.

The petitioner, who is stated to be a life convict under Section 302 IPC, is aggrieved at the communication dated 7.12.2006 sent by the District Magistrate, Sirsa whereby his release on furlough has not been recommended on the ground that he had availed a parole in October 2006.

The case of a prisoner for his release on furlough is required to be considered in the light of the criteria-cum-eligibility conditions provided in Section 4 read with Section 6 of the Haryana Good Conduct Prisoners (Temproray Release) Act, 1988. If a prisoner earns furlough, it appears from the scheme of the Act that the same cannot be withheld on the ground that in the recent time he was released on parole for a cause. In any case, the decision to this effect has to be taken by the Competent Authority under the Act and not by the District Magistrate.

Consequently, the communication dated 7.12.2006 (Annexure P-1) is quashed and the District Magistrate, Sirsa is directed to reconsider the petitioner's application for release on furlough in accordance with law and thereafter decide as to whether his case requires recommendation or

not. An appropriate decision shall be taken in accordance with the provisions of the 1988 Act, within a period of two months from the date of receipt of certified copy of this order.

January 18, 2007
poonam

(SURYA KANT)
JUDGE